



**CITY OF DANBURY**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION  
(203) 797-4525  
(203) 797-4586 (FAX)

MINUTES  
MARCH 10, 2009

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The meeting was called to order by Vice-Chairman Robert Melillo at 7:35 PM.

Present were Anthony DiCaprio, Theodore Haddad Jr., Patrick Johnston, David Manacek, Robert Melillo, Larry Stramiello, Andrew Wetmore, and Alternates Jacqueline Perez-Ares and Thomas Spegnolo. Also present was Planning Director Dennis Elpern.

Absent were Chairman Ted Farah, Richard P. Jowdy and Alternate Victoria Hickey. Mr. Farah is recovering from surgery and Mr. Jowdy and Ms. Hickey both had business commitments.

Mr. Melillo announced that they would waive the Pledge of Allegiance since the meeting is being held in Conference Room 3C which has no flag. He then said they also would be tabling the acceptance of the February 24, 2009 minutes since they were just sent out to the Commission members by e-mail this afternoon.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of E.W. Batista Family LP, 155 South St. (#J15048) for Change of Zone from RMF-4 to C-CBD. Hearing closed 1/13/09 - 65 days to make decision will be up 3/18/09. Extension granted by Attorney Marcus until 3/24/09 meeting.

Mr. Melillo said that Mr. Spegnolo had listened to the tapes and was now eligible to vote on this matter. He then said that even with that, they were still going to have to table this again because they still did not have nine members present who were eligible, He asked the secretary to get Ms. Perez-Ares to listen to whatever tape she needed and that would mean that eleven members would be eligible for the next meeting which is their last chance to vote.

Mr. DiCaprio made a motion to table this matter. Mr. Manacek seconded the motion and it was passed unanimously.

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Petition of Casa Do Benfica Inc., 331 Main St. (#I13036) for Special Permit for Private Club Liquor License. Hearing closed 2/24/09 - 65 days to make decision will be up 4/29/09. This matter was tabled for an on-site inspection.

Mr. Melillo asked Ms. Perez-Ares to take Mr. Jowdy's place and Mr. Spegnolo to take Chairman Farah's place for this matter. He added that this had been tabled so Mr. Johnston could do a site visit. Mr. Johnston said he went to the site and saw the bar which really was

not very big. He said after visiting the site; he did not see anything that they need to discuss any further. He then made a motion to approve this petition for the following reasons: "the proximity of these premises will not have a detrimental effect upon any church or charitable institution; and also will not have a detrimental effect upon the immediate neighborhood." Mr. Stramiello seconded the motion. Mr. Melillo called for discussion on this matter.

Mr. Haddad said he is opposed to this for the same reasons as Mr. Johnston is in favor of it. He said they can do all of the things without a liquor permit. Their presentation said they need the liquor permit to function and make a profit so they can fund activities for the kids and finish the interior of the building. He added that they don't need liquor to watch soccer. Mr. DiCaprio mentioned that there was a church in the Masonic Temple and he thought that he remembered a church being located in the former bank building across the street. Mr. Stramiello pointed out that there are plenty of existing private clubs in the immediate vicinity; specifically the Elks and the Concordia.

Mr. Haddad said just because these other clubs exist doesn't mean they would get approved today. He said he wants it on the record that this is located near a church, school or charitable institution. Mr. Johnston said to clarify; this looked like a very small bar with a large catering hall. A wall separates the bar from the hall area and the bar area is very tight on space. He added that ARC didn't have a problem with this and they are located right next door. Mr. DiCaprio pointed out that they should have received a notice and they didn't show up. Mr. Johnston said approving this will not open the floodgates to encourage a rash of private clubs and it seems like they need the liquor license to generate the capital to stay in operation. Mr. DiCaprio pointed out that they do still have to satisfy the State requirements. Mr. Melillo then clarified the actual wording of the motion: "the proximity of such premises does not have a detrimental effect upon any church or charitable institution". Mr. Johnston and Mr. Stramiello agreed to this clarification. Mr. Haddad then said if this is denied they can operate for a little while and then come back in. Mr. Melillo added that they also could come right back in for a beer and wine permit. He then called a roll call vote on the motion to approve. It was carried with eight AYES and one NAY (from Mr. Haddad).

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NEW BUSINESS:

Petition of Jose A. Perez d/b/a Perez Wine & Spirits, 61 Newtown Rd./Plumtrees Plaza (#112018) for a Special Permit for Package Store. *Public hearing scheduled for April 14, 2009.*

Mr. Melillo said there is no referral required for a Special Permit petition, so they would just note the date of the public hearing. Mr. Manacek stated for the record that he would be out of town on business on April 14<sup>th</sup> and would be unable to attend that meeting.

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There was nothing under Correspondence or Other Matters and there was one public hearing scheduled for April 14, 2009 listed under For Reference Only.

At 8:15 PM, Mr. Johnston made a motion to adjourn. Mr. Wetmore seconded the motion and it was passed unanimously.